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THE TERMINIX INTERNATIONAL COMPANY LP

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHILOH HOOD, an individual,)	Case No.: C 06-00024 SBA
)	
Plaintiff,)	The Honorable Sandra B. Armstrong
)	
vs.)	SECOND JOINT STIPULATION AND
)	REQUEST TO CONTINUE MEDIATION
)	DEADLINES
THE TERMINIX INTERNATIONAL)	
COMPANY, L.P., a Delaware limited)	CMC Date: October 18, 2006
partnership; and DOES 1 to 20,)	CMC Time: 2:30 p.m.
)	
Defendants)	Removal Date: January 5, 2006
)	

1 The parties hereby jointly stipulate and request that the Court grant a continuance of
2 the mediation deadline from the current deadline of December 29, 2006 to February 2, 2007.

3 The Court previously extended the mediation deadline 90 days to December 29, 2006,
4 by Stipulation and Order signed September 18, 2006, pursuant to a request that followed the
5 filing of a related federal class action, Roy v. Terminix CV-06-05761 (the "Roy action"),
6 which is pending in the Central District of California.

7 The parties have, in effect, consolidated the mediation previously ordered by this
8 court with the mediation that would be anticipated in the Roy action. The objective is to
9 explore a global resolution of all pending claims.

10 The consolidation caused some delay for plaintiffs' counsel in the two cases to fully
11 confer. Some delay also occurred because although plaintiff's counsel Michael Langford in
12 the Roy action was agreeable to participating in the mediation, he had suffered the death of
13 his father and was briefly on leave from his practice.

14 As part of the information used by all parties in the mediation, the parties and their
15 experts are in the process of formulating a questionnaire to be sent by an independent third-
16 party administrator to a statistically-valid sampling of class members in both actions for the
17 purpose of evaluating damages relative to class claims. Substantial time is required for the
18 expert witnesses to consult and assist in the preparation and negotiation of the content of
19 questionnaires; for the mailing of the questionnaires; to provide adequate time for class
20 members to review their records and complete and return the questionnaires; for the
21 tabulation and analysis of the data generated by the questionnaires to class members; and for
22 counsel for the parties to timely evaluate the responses in order to properly prepare a
23 mediation statement reasonably in advance of the hearing, for the benefit of both parties and
24 the mediator.

25 On October 9, 2006, all parties in both cases participated in a mediation status
26 conference under the auspices of Judith Droz Keyes, the court-appointed mediator in this
27 case. The process appears to require about 4-6 weeks longer than previously anticipated.
28 The parties therefore concluded that it does not appear feasible to complete the preparation

1 outlined above by the present deadline of December 29, 2006. If the parties' request to
 2 extend the deadline is not granted, the mediation will have to go forward without the use of
 3 the questionnaire, which the parties agree would enhance the prospects for resolution at the
 4 mediation.

5 The parties also note that, on or about September 18, 2006, defendant Terminix filed
 6 a motion with the Judicial Panel on Multidistrict Litigation seeking to transfer both pending
 7 cases to a single district for consolidated and coordinated pretrial proceedings pursuant
 8 to 28 U.S.C. § 1407. The Judicial Panel has not yet given the parties notice of any order as
 9 of the date of this filing.

10 Subject to the Court's approval of the instant request to extend time to conduct the
 11 mediation, the mediator and all counsel have now scheduled the mediation for what appears
 12 to be a realistic date, January 24, 2007 at 9:30 a.m. The plaintiffs and Terminix's authorized
 13 representatives are to attend. In order to accommodate any exigencies or additional
 14 mediation sessions, the parties respectfully request that the Court extend the mediation about
 15 a week beyond the proposed January 24 hearing date, to February 2, 2007.

16 Dated: November 3, 2006

CHAVEZ & GERTLER LLP
 BROWNSTEIN & THOMAS, LLP

19 By: /s/
 Jonathan E. Gertler

Attorneys for Plaintiff SHILOH HOOD
 And the Proposed Plaintiff Class

22 Dated: November 3, 2006

WINSTON & STRAWN LLP

25 By: /s/
 Amanda C. Sommerfeld

Attorneys for Defendant
 THE TERMINIX INTERNATIONAL
 COMPANY, L.P.

ORDER

Pursuant to the stipulation above, and good cause appearing,

The deadline for mediation is continued to February 2, 2007.

IT IS SO ORDERED.

Dated: 11-7-06



HONORABLE SAUNDRA B. ARMSTRONG
UNITED STATES DISTRICT JUDGE